

cc: mg Smyser  
Mr. Bergstresser via Atty  
Peter Goldberger  
Jeffrey Goldberger  
Potter Co DA  
Atty Gen. of PA.

(27) 1/8/03

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEAN E. BERGSTRESSER, : CIVIL NO. 1:00-CV-1713  
:   
Petitioner :   
v. : (Magistrate Judge Smyser)  
:   
ROBERT SHANNON, :   
Superintendent, et al., :   
Respondents :

FILED  
HARRISBURG, PA

WRIT OF HABEAS CORPUS

JAN 08 2003

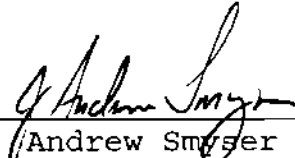
MARY E. D'ANDREA, CLERK  
Per                       
Deputy Clerk

AND NOW, this 8th day of January, 2003, upon the Order of January 7, 2003 of the United States Court of Appeals for the Third Circuit approving the Stipulation of the Parties for Summary Disposition, the Stipulation for Summary Disposition dated December 17, 2002, and the Order of the Court of Appeals dated January 8, 2003,<sup>1</sup> **IT IS HEREBY ORDERED** that an absolute writ of habeas corpus is issued as to the count charging

                      
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The Court's Order states: "Per the direction of the Court and upon review of the parties' stipulation for summary disposition, it is hereby **ORDERED** that the matter is remanded to the District Court with direction to enter an absolute writ of habeas corpus as to the count charging aggravated assault and releasing petitioner Dean E. Bergstresser from respondents' custody entirely on that count. It is further **ORDERED** that the District Court is directed to enter a conditional writ of habeas corpus on the balance of the charges and releasing petitioner from respondents' custody unless petitioner is resentenced on those counts by the Court of Common Pleas on or before January 14, 2003, in accordance with the agreement of the parties."

aggravated assault and that the respondents are directed to release the petitioner, Dean E. Bergstresser, from custody entirely on that count. **IT IS FURTHER ORDERED** that a conditional writ of habeas corpus is issued on the balance of the charges and that the respondents are directed to release the petitioner, Dean E. Bergstresser, from custody on those counts unless the petitioner is resentenced on those counts by the Court of Common Pleas on or before January 14, 2003.

  
\_\_\_\_\_  
J. Andrew Smyser  
Magistrate Judge

DATED: January 8, 2003.